

EXHIBIT B

MARCO ANTONIO CARRION
JARRETT PAYNE vs MAYOR BILL DE BLASIO

April 20, 2023

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1
2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK
4

5 JARRETT PAYNE, et al,

6 Plaintiffs,

7 v.

Case No.

1:20-cv-08924

8 MAYOR BILL DE BLASIO

9 et al.,

10 Defendants.
11

12 REMOTE DEPOSITION OF MARCO ANTONIO CARRION

13 April 20, 2023
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22 Stenographically Reported by:

Bonnie Pruszynski, RMR, CA CSR No. 13064

23 Job No. J9519203
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April 20, 2023

10:00 a.m.

REMOTE DEPOSITION OF MARCO

ANTONIO CARRION, before Bonnie Pruszynski, CA
Certified Shorthand Reporter No. 13064, a
Registered Merit Reporter, Certified Livenote
Reporter, and Notary Public of the States of New
York and Florida.

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2 APPEARANCES:

3
4 New York Civil Liberties Union
5 Attorneys for Plaintiffs

6 125 Broad Street, 19th Floor,
7 New York, New York 10004

8 BY: Molly Biklen, Esq.

9 Bobby Hodgson, Esq.

10
11 Alicia Wagner Calzada, PLLC

12 Attorneys for the Gray plaintiffs, National Press

13 Photographers Association:

14 806 Patricia

15 San Antonio, TX 78216

16 BY: Alicia Calzada, Esq.

17
18 Attorney General of the State of New York
19 for the People of the State of New York

20 28 Liberty Street

21 New York, New York 10005-1400

22 BY: Lillian M. Marquez, Esq.

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REMOTE APPEARANCES (Continued):

New York City Law Department

Attorneys for the New York City defendants

100 Church Street

New York, New York 10007

By: Thomas Dean, Esq.

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1 M. Carrion

2 MARCO ANTONIO CARRION,

3 called as a witness, having been first

4 duly sworn, was examined and testified

5 as follows:

11:48

6 EXAMINATION

7 BY MS. BIKLEN:

8 Q. Good morning, Mr. Carrion. If you

9 could say your full name for the record,

10 please.

10:03

11 A. Sure. Marco Antonio Carrion.

12 Q. Good morning, Mr. Carrion. My name

13 is Molly Biklen, and I'm an attorney with the

14 New York Civil Liberties Union, and I

15 represent the plaintiffs in the case. Today

16 I will be asking you some questions regarding

17 the protests that occurred starting in the

18 spring and summer of 2020.

10:03

19 Before we get started, have you

20 ever been deposed before?

10:03

21 A. Yes.

22 Q. Okay. About how many times?

23 A. One other time.

24 Q. And was that a civil case?

25 A. Yes.

10:04

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1 M. Carrion

2 A. Yes.

3 Q. All right. Which are they?

4 A. As I recall, Decolonize This Place
5 and FTP. 15:15

6 Q. And have you heard of the group
7 Take Back the Bronx?

8 A. I don't recall that name.

9 Q. What do you know about the group
10 Decolonize This Place? 15:15

11 MR. DEAN: Objection to form.

12 A. In terms of their history or --

13 Q. Based on your experience as the
14 Commissioner of the Community Affairs Unit,
15 what was your understanding of this group? 15:16

16 MR. DEAN: Objection to form.

17 A. It was started years before by, I
18 think several professors, initially over some
19 protests at some of the city's museums. And
20 they had expanded and did stuff around police
21 abolition, the Palestine-Israeli conflict, or
22 the Palestine -- the occupation of Palestine,
23 and other local and global issues.

24 Q. Have you monitored protests that
25 they had been a part of organizing? 15:17

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1 M. Carrion

2 A. Yes.

3 Q. Do you recall how many?

4 MR. DEAN: Objection. Form.

5 A. I don't recall. 15:17

6 Q. Do you remember, or what was the
7 vibe of the protests that you monitored that
8 were organized in part or whole by Decolonize
9 This Place?

10 A. You said "vibe"? 15:17

11 Q. Yes.

12 A. What do you mean by "vibe"?

13 Q. I'm sorry. Tenor.

14 A. In general or just the -- in
15 general their protests that they organized,
16 or actions? 15:18

17 Q. Based on the ones that you
18 observed.

19 A. They were very organized, highly
20 political. Very good at theater. 15:18

21 Q. What does "very organized" mean?

22 A. As opposed to many of the protests
23 at the time, which were kind of ad hoc, and
24 many were just people would make an
25 announcement on social media, folks would 15:18

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1 M. Carrion

2 just gather at a certain location and decide
3 what to do. There was always a feeling that
4 Decolonize This Place had a plan of what they
5 were trying to do. I'm unsure what that plan
6 was, but they just seemed more organized.

15:18

7 Q. A plan for the protest?

8 A. Yes.

9 Q. And I think you said they were very
10 good at theater. What do you mean by that?

15:19

11 A. Their graphics. Their communiques.
12 They were definitely influenced by movements
13 of the past.

14 Q. Now, did you discuss this planned
15 protest on June 4th in Mott Haven with anyone
16 in the Mayor's office?

15:19

17 A. I don't recall.

18 Q. Did you discuss this planned
19 protest with any community members?

20 A. I don't believe so.

15:19

21 Q. What community members?

22 A. No. I don't believe so.

23 Q. Oh.

24 A. Yeah.

25 Q. Did you have any discussions about

15:19

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1 M. Carrion

2 this planned protest in advance with any
3 elected officials from the Bronx?

4 A. I don't believe so.

5 Q. Other than people within the Office
6 of the Mayor, did you have any discussions
7 about this planned protest in advance with
8 anyone?

9 A. Only with my staff.

10 Q. What about with the Mayor or his
11 chief of staff?

12 A. I don't recall.

13 Q. Are you aware -- let me ask you
14 first, is it your testimony that you did not
15 discuss this protest in advance with anyone
16 from the NYPD?

17 A. I don't recall.

18 Q. Do you know whether anyone in the
19 Mayor's office spoke with anyone in the NYPD
20 about the protest on June 4th in Mott Haven
21 before it occurred?

22 A. I don't know.

23 Q. Did you receive any information
24 from the NYPD about its preparations for
25 policing the protest in advance?

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1 M. Carrion

2 A. I don't recall.

3 Q. Were you aware of any NYPD
4 preparations for policing this protest before
5 it happened?

15:21

6 A. For this particular one?

7 Q. Yes.

8 MR. DEAN: Objection. Form.

9 A. I don't recall.

10 (Carrion Exhibit 16,

15:21

11 DEF-E_000017781-782 marked for
12 identification, as of this date.)

13 Q. I have put what's marked as Carrion
14 Exhibit 16 in the chat. If you can open it
15 up. And you should be looking at an e-mail
16 from you to Dustin Ridener on June 4th at
17 3:53 p.m.

15:22

18 A. Yes.

19 Q. So, just review this e-mail and
20 then let me know when you are done.

15:22

21 A. Okay.

22 Q. So, you write, "the Hub 149th and
23 3rd is the place where expect most action."
24 And that was -- the Hub at 149th and 3rd is
25 where the Mott Haven protest started?

15:23

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1 M. Carrion

2 MR. DEAN: Objection. Form.

3 A. Did I see anything with my own
4 eyes? No.

5 (Carrion Exhibit 21,

16:13

6 CONFIDENTIAL_DEF_DEP_MARCO CARRION
7 TEXTS_PART 2_00133 through 00135 marked
8 for identification, as of this date.)

9 Q. I'm going to share with you an
10 exhibit marked Exhibit 21, which has text
11 messages with two participants, 27 total
12 messages, on June 4th, 2020.

16:13

13 A. Okay.

14 Q. So, these are messages starting --
15 the first message starts on June 4th, 2020,
16 at 10:15 p.m.?

16:15

17 A. Um-hum.

18 Q. Can you say verbally yes or no if
19 you agree with that?

20 A. I'm sorry. Yes.

16:15

21 Q. And the person asks you how are you
22 doing, or "How you doing?" Based on your
23 reading of these text messages, were you
24 corresponding with someone you knew?

25 A. Yes.

16:15

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1 M. Carrion

2 Q. Do you believe that the person you
3 were corresponding with was in your contacts?

4 A. Yes.

5 Q. And based on your reading, do you
6 know who it was that you were corresponding
7 with?

8 A. No.

9 Q. Do you think it was someone within
10 the Mayor's office?

11 MR. DEAN: Objection. Form.

12 A. Yes.

13 Q. So, the person asks at 10:16 p.m.,
14 "Are they violent?" You respond, "The
15 protesters, no," at 10:17 p.m. The person
16 then asks, "Cops," and you respond at
17 10:17 p.m., "Aggressive."

18 What do you mean by "aggressive"?

19 A. Yeah. I can't tell you what I
20 meant by this at that moment.

21 Q. Because you do not remember?

22 A. I don't remember this particular
23 moment, you know, what was in my mind at
24 10:17 on the 4th.

25 Q. What do you understand, sitting

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1 M. Carrion

2 here today, "aggressive" to mean?

3 MR. DEAN: Objection to form.

4 A. In reading this series of text
5 messages, it's -- you know, I said they've
6 been using the curfew to arrest protesters
7 regardless of tenor of march, and that is
8 what I say my words there -- what I was
9 referring to.

16:17

10 Q. So, you believed that you saw
11 aggressive actions by the police officers on
12 June 4th?

16:17

13 A. I don't recall what I saw. What I
14 am saying is that in reading what you
15 provided me, what I say in my own words is
16 that the curfew is being used to arrest
17 protesters regardless of the tenor of the
18 march. That's exactly -- I'm reading it
19 verbatim.

16:17

20 Q. And was that -- were those actions
21 consistent with the message that Freya
22 Rigterink had transmitted to you earlier that
23 day about the proposed police response to
24 protests after curfew?

16:18

25 MR. DEAN: Objection to form.

16:18

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1 M. Carrion

2 A. I don't know.

3 Q. Do you need to look at what she
4 said again?

5 MR. DEAN: Objection to form.

16:18

6 A. Yeah, I could look at it again.

7 Q. Okay. So, if you could turn back

8 to Exhibit 17, and it is the e-mail on

9 June 4th at 5:25 p.m., and the paragraph

10 starting, "Demonstrations after curfew."

16:19

11 A. Okay.

12 Q. So, what you report by text here at

13 10:19 on 6/4/2020, that "using the curfew to

14 arrest protesters regardless of the tenor of

15 the march," do you believe that to be

16:19

16 consistent with the expectation written in

17 the e-mail at 5:25 about demonstrations after

18 curfew?

19 A. What I wrote does not match what

20 Freya put in her e-mail.

16:19

21 Q. And at 10:19, you say, "That was

22 from my vantage point and my teams field

23 reports."

24 A. Yes.

25 Q. So, the person then says at

16:20

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1 M. Carrion

2 10:19 p.m., "Bill must be okaying this," and
3 then at 10:20, "or he doesn't know." Is that
4 referring to Mayor Bill de Blasio?

5 MR. DEAN: Objection to form.

16:20

6 A. I don't know.

7 Q. Do you read it as referring to
8 Mayor Bill de Blasio?

9 A. Yes.

10 Q. Now, you wrote at six -- on
11 June 20th, 2020, at 10:20, "The deal with PD
12 is they would let folks march if they were
13 peaceful."

16:20

14 A. Yes.

15 Q. And is that consistent with the
16 understanding conveyed by Freya at the
17 5:25 e-mail?

16:20

18 MR. DEAN: Objection, form.

19 A. I can't say what I believed at that
20 moment. I can only respond to what you
21 provided me in these documents.

16:21

22 I don't know why I believed there
23 was a deal. I just -- I don't recall. I
24 don't recall how I received that information.
25 I don't recall what I believed at that

16:21

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1 M. Carrion

2 moment. All I know is what I see on the
3 screen when I am reading.

4 Q. And did you generally communicate
5 accurately in your texts? 16:21

6 A. Yes.

7 Q. And that was contemporaneous on the
8 night of June 4th?

9 A. At 10:20 p.m.?

10 MR. DEAN: Objection to form. 16:22

11 A. Yeah, I believe so.

12 (Carrion Exhibit 22,

13 DEF-E_000052961-964 marked for

14 identification, as of this date.)

15 Q. I would like you to look at 16:22
16 Exhibit 22, and this is another e-mail thread
17 that begins at the top on June 4th at 9:30,
18 and it's in reverse chronological order.

19 A. Okay.

20 Okay. 16:24

21 Q. Again, this is an e-mail in reverse
22 chronological order, so I would like to start
23 at the back and the first e-mail, from
24 Gabriel Schnake Mahl on June 4th at 5:29 p.m.

25 A. Um-hum. 16:25

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M. Carrion

MS. BIKLEN: I'm going to take
silence as a no, so I think you're done,
Mr. Carrion. Thank you very much.

THE WITNESS: Thank you.

oOo

I, MARCO ANTONIO CARRION, the witness
herein, do hereby certify that the foregoing
testimony of the pages of this deposition to be a
true and correct transcript, subject to the
corrections, if any, shown on the attached page.

Subscribed and sworn to before me this
____day of _____, ____.

NOTARY PUBLIC

17:23

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C E R T I F I C A T E

I, Bonnie Pruszynski, RPR, RMR, do
hereby certify that on April 20, 2023,
appeared before me, MARCO ANTONIO CARRION.

I further certify that the said
witness was first duly sworn to testify to the truth
in the cause aforesaid.

I further certify that the signature
of the witness to the foregoing deposition was not
specified by counsel.

I further certify that I am not
counsel for nor in any way related to any of the
parties to this suit, nor financially interested in
the action.

IN WITNESS WHEREOF, I have hereunto
set my hand this 1st of May, 2023.

Bonnie A Pruszynski

Bonnie Pruszynski